

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
LISA MELTON,

Plaintiff(s),

against

ALFONSO SOLLAMI,

Defendant(s).

CIVIL ACTION NO.: 19 Civ.03247 (VSB) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

A Telephone Conference was held today, January 21, 2020, regarding the matters raised in the parties' joint Letter-Motion for a conference or to fully brief the parties' discovery issues (ECF No. 27).

At the deposition scheduled for tomorrow, Wednesday, January 22, 2020, Plaintiff's treating physician, Dr. Louis Rose shall testify solely as a treating physician, and accordingly, may "testify to [his] medical opinions about the Plaintiff's injuries and the cause of those injuries so long as [he does] not rely on information outside of the examination, diagnosis, and treatment of the Plaintiff." Shepler v. Metro-N. Commuter R.R., No. 13 Civ. 7192 (RWS), 2016 WL 1532251, at \*2 (S.D.N.Y. Apr. 15, 2016). Plaintiff's request to treat her fact witness, Dr. Rose, as an expert witness at this late stage of discovery, is DENIED.

As a treating physician, Dr. Rose's compensation for his deposition is "limited to the compensation scheme set forth in 18 U.S.C. § 1821," that is, \$40.00 plus mileage. DeRienzo v. Metro. Transit Auth. & Metro-N. R.R., 01 Civ. 8138 (CBM), 2004 WL 67479, at \*1-2 (S.D.N.Y. Jan. 15, 2004).

The Clerk of Court is respectfully directed to close ECF No. 27.

Dated: New York, New York  
January 21, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge